

Attorney/Docket No. 31132.63 / PC791.01  
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Molz, et al.

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Group Art Unit: 3738

Serial No.: 10/733,554

§

Confirmation No.: 7729

Filed: December 10, 2003

§

Examiner: unknown

For: Method and Apparatus for Replacing the  
Function of Facet Joints

§

§

**SECOND INFORMATION DISCLOSURE STATEMENT**

**Mail Stop Amendment**

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents listed on the enclosed modified Form PTO-1449 are attached.

The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the ISA/EP on June 2, 2005, the PCT counterpart of the present application. A copy of the search report is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

Julie M. Nickols

Registration No. 50,826

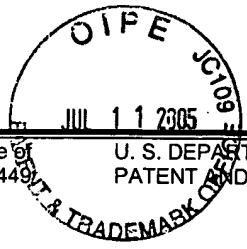
Date: 7/6/05

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7-6-05.

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In place of  
PTO-1449  
Form

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

SHEET 1 OF 1 Attorney Docket Number 31132.63 / PC791.01

## **U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document (Country Code – Number – Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	A4	SU 848 009	07/23/1981	NII Travmatologii	no
	A5	WO 01/45576	06/28/2001	Synthes Ag Chur, et al.	yes
	A6	WO 2004/098423	11/18/2004	Biedermann Motech GmbH	yes

## **NON-PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	A7	Patent Cooperation Treaty – European Patent Office, "Notification of Transmittal of The International Search Report and The Written Opinion of the International Searching Authority, or the Declaration," June 2, 2005, 20 pages

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.